

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Cause No. 1:17-cr-0093-SEB-MJD
)
JUSTIN RUDOLPH,) - 08
)
Defendant.)

REPORT AND RECOMMENDATION

On March 11, and 25, 2021, the Court held hearings on the Petition for Warrant or Summons for Offender Under Supervision filed on February 10, 2021. Defendant Rudolph appeared in person with his appointed counsel Michael Donahoe and William Dazey. The government appeared by Peter Blackett, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Felecia Bain.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Rudolph of his rights and provided him with a copy of the petition. Defendant Rudolph orally waived his right to a preliminary hearing.
2. Contested revocation hearing held on violation number 1. Court found defendant guilty of violation number 1. [Docket No. 356.] Government orally moved to withdraw the remaining violation, which motion was granted by the Court.
3. The allegation to which Defendant was found guilty, as fully set forth in the petition, is:

**Violation
Number**

Nature of Noncompliance

1 **“You shall not commit another federal, state, or local crime.”**

On February 10, 2021, the offender was arrested for Resisting Law Enforcement with a Vehicle, a Felony 6 offense.

4. The parties stipulated that:

(a) The highest grade of violation is a Grade B violation.

(b) Defendant’s criminal history category is I.

(c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 4 to 10 months’ imprisonment.

5. The government recommended a sentence of six (6) months with supervised release to follow. Defendant's counsel argued for a lesser sentence.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of eight (8) months with approximately two (2) years and four (4) months of supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge’s action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Date: 3/26/2021


Paul R. Cherry
United States Magistrate Judge
Southern District of Indiana

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